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1411-AC05636 - MARY STROUD V ALLIANCE ONE RECEIVABLES MGMT (E-CASE)

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10/03/2014

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Document ID - 14-ADSM-4950; Served To - ALLIANCE ONE RECEIVABLES MANAGEMENT INC; Server - ROTH, LARRY; Served Date - 24-SEP-14; Served Time - 12:37:00; Service Type - Special Process Server; Reason Description - Served; Service Text - SERVED TO MEGHAN SAFFELL AN AUTHORIZED PERSON TO ACCEPT SERVICE DC

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DUPLICATE SUMMONS PLEASE REVIEW DC
Filed By: DOMINIC M PONTELLO
On Behalf Of: MARY STROUD

09/16/2014

[Summons Issued-Associate](#)

Document ID: 14-ADSM-4950, for ALLIANCE ONE RECEIVABLES MANAGEMENT INC. SUMMONS SAVED AND ATTACHED IN PDF FORM FOR ATTORNEY TO RETRIEVE FROM SECURE CASE.NET. TMV

[Order - Special Process Server](#)

Associated Entries:09/15/2014 - [Motion Special Process Server](#)

[Civil Setting Scheduled](#)

Scheduled For: 10/21/2014; 9:00 AM ; KRISTIE JEAN SWAIM; Setting: 1; St Charles Circuit Div

09/15/2014

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Filed By: DOMINIC M PONTELLO

[Motion Special Process Server](#)

MOTION FOR SPECIAL PROCESS SERVER.
Filed By: DOMINIC M PONTELLO
On Behalf Of: MARY STROUD
Associated Entries:09/16/2014 - [Order - Special Process Server](#)

[Pet Filed in Associate Ct](#)

Petition.

[Order](#)

PURSUANT TO THE "ELEVENTH JUDICIAL CIRCUIT ORDER OF JUDGE ASSIGNMENTS AND INDIVIDUALIZED DOCKET PLAN" DATED THE 13TH DAY OF DECEMBER, 2013, AND ON FILE IN THE OFFICE OF THE PRESIDING JUDGE, THIS CASE IS ASSIGNED TO SUCH DIVISION AS SET FORTH IN SAID "ELEVENTH JUDICIAL CIRCUIT ORDER OF JUDGE ASSIGNMENTS AND INDIVIDUALIZED DOCKET PLAN". SO ORDERED, RICK ZERR, PRESIDING JUDGE

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Released 07/25/2014

EXHIBIT A



IN THE 11TH JUDICIAL CIRCUIT COURT, ST. CHARLES COUNTY, MISSOURI

| | |
|--|--|
| Judge or Division: KRISTIE JEAN SWAIM | Case Number: 1411-AC05636 |
| Plaintiff/Petitioner: MARY STROUD | Plaintiff's/Petitioner's Attorney/Address: DOMINIC M PONTELLO 5988 MID RIVERS MALL DR SUITE 112 SAINT CHARLES, MO 63304 |
| Defendant/Respondent: ALLIANCE ONE RECEIVABLES MANAGEMENT INC | Date, Time and Location of Court Appearance: 21-OCT-2014, 09:00 AM TRANSFER JUDGE COURTROOM 300 N 2nd STREET SAINT CHARLES, MO 63301 |
| Nature of Suit: AC Other Tort | (Date File Stamp) |

Associate Division Summons

The State of Missouri to: **ALLIANCE ONE RECEIVABLES MANAGEMENT INC**
Alias:

4850 E. STREET ROAD
SUITE 300
TREVISO, PA 19053

R/A CT CORPORATION SYSTEM
120 SOUTH CENTRAL AVE
CLAYTON, MO 63105

COURT SEAL OF
 ST. CHARLES COUNTY

You are summoned to appear before this court on the date, time, and location above to answer the attached petition. If you fail to do so, judgment by default will be taken against you for the relief demanded in the petition. You may be permitted to file certain responsive pleadings, pursuant to Chapter 517 RSMo. Should you have any questions regarding responsive pleadings in this case, you should consult an attorney.

If you have a disability requiring special assistance for your court appearance, please contact the court at least 48 hours in advance of scheduled hearing.

9/16/2014 /S/ Judy Zerr
Date Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Service must not be made less than ten days nor more than sixty days from the date the Defendant/Respondent is to appear in court.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).

☐ other _____

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server _____ Signature of Sheriff or Server _____

Must be sworn before a notary public if not served by an authorized officer:

(Seal) Subscribed and sworn to before me on _____ (date).
My commission expires: _____ Date _____ Notary Public _____

Sheriff's Fees, if applicable

Summons \$ _____
Non Est \$ _____
Sheriff's Deputy Salary \$ _____
Supplemental Surcharge \$ 10.00
Mileage \$ _____ (_____ miles @ \$. _____ per mile)
Total \$ _____

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

1411-AC05636

Electronically Filed - St Charles Circuit Div - September 15, 2014 - 04:18 PM

IN THE CIRCUIT COURT
SAINT CHARLES COUNTY
STATE OF MISSOURI
ASSOCIATE DIVISION

Mary Stroud,

Plaintiff,

v.

Alliance One Receivables Management, Inc.,

Serve at:

CT Corporation System; Registered Agent

120 South Central Avenue

Clayton, MO 63105

Defendant.

)

)

)

)

) Cause No.

)

) Division

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) JURY TRIAL DEMANDED

PETITION

COMES NOW, Plaintiff, Mary Stroud, and for her Petition states as follows:

INTRODUCTION

1. This is an action for statutory damages brought by an individual consumer for violations of the Fair Debt Collections Practices Act, 15 USC 1692 *et. Seq.* ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

2. Plaintiff demands a trial by jury on all issues so triable.

JURISDICTION

3. This Court has jurisdiction of the FDCPA claim under 15 USC § 1692k(d) because the illicit collection activity was directed at Plaintiff in St. Charles County, Missouri.

PARTIES

4. Plaintiff is a natural person currently residing in St. Charles County, Missouri. Plaintiff is a “consumer” within the meaning of the FDCPA. The alleged debt Plaintiff owes arises out of consumer, family, and household transactions.

5. Specifically, Plaintiff believes the alleged debt arose from a credit card account from Credit First N.A.

6. Defendant is a foreign corporation with its principal place of business in Trevoise, PA. The principal business purpose of Defendant is the collection of debts in Missouri and nationwide, and Defendant regularly attempts to collect debts alleged to be due another.

7. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant is a “debt collector” as defined by the FDCPA. 15 U.S.C. §1692a (6).

FACTS

8. Defendant’s collection activity of which Plaintiff complains occurred within the previous twelve (12) months.

9. Defendant’s illicit collection activity consisted of a letter and a phone call with Plaintiff.

10. On or about December 27, 2013, Defendant sent Plaintiff a dunning collection letter, seeking to collect an alleged debt of \$698.22, claimed to be originating from “Credit First NA/CQ Primaries”, and claimed to be in collections with Defendant.

11. Defendant’s December 27, 2013 letter stated, “As of the date of this letter, you owe \$698.22. Your account balance may be periodically increased due to the addition of accrued interest or other charges if so provided in your agreement with your original creditor.”

12. Plaintiff had never heard of Defendant before the December 27, 2013 letter and

Plaintiff did not know whether she had ever had an account with Credit First NA.

13. Plaintiff received at least three other letters containing substantially the same information and language, on January 17, 2014, on January 31, 2014, and on July 21, 2014.

14. On or about July 22, 2014, Plaintiff called 1 (888) 419-2387, the phone number listed for Defendant on the December 27, 2013 letter. The purpose of Plaintiff's phone call was to find out more information about the alleged debt to Credit First NA/CQ Primaries, and to find out who Defendant was, and what Defendant's purported relation to the alleged debt was.

15. During the phone call, Plaintiff asked if she could pay the original creditor directly, instead of the Defendant debt collector.

16. Defendant falsely stated that Plaintiff could not pay the original creditor directly, but rather that payment could only be made to Defendant, in violation of 15 U.S.C. §1692e, which prohibits any false, deceptive or misleading representations or means in connection with the collection of any debt.

17. Specifically, Defendant's statement, that payment could not be made directly to the original creditor to satisfy the debt, was false because Plaintiff could in fact pay the original creditor directly, as confirmed in a subsequent telephone conversation with the original creditor Credit First NA.

18. Defendant's false statement was intended to mislead Plaintiff into believing that payment of the debt could only be made with the Defendant third-party debt collector, so that Defendant could collect a higher collection fee on the account.

19. During the July 22, 2014 phone call, Plaintiff asked if the account was accruing interest as indicated on the December 27, 2013 letter.

20. Defendant plainly stated in reply that it does not add interest or late fees.

21. Defendant's statement in the December 27, 2013 that Plaintiff's account balance may be periodically increased due to the addition of accrued interest or other charges was a false representation in violation of 15 U.S.C. §1692e(10), which prohibits a debt collector from using a false representation or deceptive means to collect or attempt to collect any debt.

22. Specifically, Defendant's statement was a false representation because Defendant plainly stated during the July 22, 2014 phone call that it does not add interest or late fees.

23. Defendant's false statement was intended to create a false sense of urgency on the resolution of the debt, with the intent that Plaintiff be deceived as to the possibility that the debt would be continually increasing if not paid immediately, and thus pay immediately.

24. Defendant's collection attempts have caused Plaintiff to incur actual damages including but not limited to anxiety, sleeplessness, and worry.

COUNT I: VIOLATION OF THE FDCPA

25. Plaintiff re-alleges and incorporates by reference all of the above paragraphs.

26. In its attempt to collect the alleged debt from Plaintiff, Defendant has committed violations of the FDCPA, 15 U.S.C. 1692 et. seq., including, but not limited to, the following:

a. Engaging in false, misleading, and unfair conduct in an attempt to collect a debt. 15 U.S.C. §1692d-f.

b. Using a false representation and deceptive means in an attempt to collect a debt. 15 U.S.C. §1692e(10).

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for:

- A. Judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;

- C. Release of the alleged debt;
- D. Statutory damages, costs and reasonable attorney's fees pursuant to 15 U.S.C. 1692(k); and
- E. For such other relief as the Court may deem just and proper.

Respectfully submitted by,

Pontello Law, LLC

/s/ Dominic Pontello

Dominic M. Pontello, #60947

Attorney for Plaintiff

5988 Mid Rivers Mall Dr., Suite 114

St. Charles, MO 63304

(636) 541-7673

(636) 441-6881 facsimile

dominic@pontellolaw.com